

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1 and 27; claim 37 has been added. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-31, and 35-37 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

A. Claims 1-4, 6-10, 17, 19, 21, 27-29, 31, 35 and 36

Claims 1-4, 6-10, 17, 19, 21, 27-29, 31, 35 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* (U.S. Patent No. 6,718,551) in view of Grube, *et al.* (U.S. Patent No. 6,026,366). Applicant respectfully disagrees.

The Examiner's attention is directed to the fact that neither Swix nor Grube, either singly, or in any permissible combination, teaches "the interactive content originating from the server system synched with the broadcast video program originating from the headend", as recited in independent claims 1 and 27.

In one embodiment, the present invention decouples the distribution and production of on-line enhanced TV programming from the production and distribution of the on-air broadcast. The server system 200 provides the mechanism of synched on-line program 210 over IP without embedding ATVEF triggers in the on-air broadcast signal. The on-air broadcast signal 410 is delivered by the head-end facility 400 to the set-top client 110. In the system of the present invention the ATVEF triggers do not have to be embedded in the on-air broadcast 410. This ability to avoid embedded triggers allows producers other than the on-air broadcast producers to create on-line programming. Furthermore, the system of the present invention can prevent MSOs (the operators of the head-end facility 400) from restricting the availability of interactive programming by removing ATVEF triggers from the signal 430 provided to the set-top client 110. (See Applicant's Published Specification, ¶ [0039])

FIG. 4 of the present application illustrates the convergence of the on-line program over IP 210 with the on-air broadcast 410 in on-air and on-line programming 220 over IP. In one embodiment, the head end facility 400 provides the on-air broadcast 410 (e.g., based on MPEG2) to the client device 50. The server system 200 provides the on-line program over IP 210 to the client device 50 using the built-in synced-to-broadcast mechanism as described above. In another embodiment the server system 200 takes over the functionality of the head end facility 400 by combining on-air and on-line programming over IP 220 into one signal. One of the standards for this convergence over IP is MPEG4. (See Applicant's Published Specification, ¶ [0040])

In contrast, Swix discloses that all communication to its set top box 108 originates from head end 110. Grube is only cited for its purported teaching of different base software programs. There is no teaching in Swix or Grube of synching interactive content from a server with a broadcast video program from a headend.

In view of the above arguments, independent claims 1 and 27 are patentable over the combination of Swix and Grube. Claims 2-4, 6-10, 17, 19, 21, 28, 29, 31, 35 and 36 are patentable at least by virtue of depending from their respective base claim.

B. Claims 5 and 20

Claims 5 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* in view of Grube, *et al.* and further in view of Stewart, *et al.* (U.S. Patent No. 6,414,635). Applicant respectfully disagrees.

As argued above in Section 2.) A., the combination of Swix and Grube fails to teach, disclose or suggest "the interactive content originating from the server system synched with the broadcast video program originating from the headend". The addition of Stewart fails to cure the deficiencies of Swix and Grube. As such, claims 5 and 20 are patentable over the combination of Swix, Grube, and Stewart.

C. Claim 30

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* in view of Grube, *et al.* and further in view of Official Notice. Applicant respectfully disagrees.

As argued above in Section 2.) A., the combination of Swix and Grube fails to teach, disclose or suggest "the interactive content originating from the server system synched with the broadcast video program originating from the headend". The addition of Official Notice fails to cure the deficiencies of Swix and Grube. As such, claim 30 is patentable over the combination of Swix, Grube, and Official Notice.

D. Claims 11-14 and 22

Claims 11-14 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* in view of Grube, *et al.* and further in view of Shoff, *et al.* (U.S. Patent Publication No. 2001/0001160 A1). Applicant respectfully disagrees.

As argued above in Section 2.) A., the combination of Swix and Grube fails to teach, disclose or suggest "the interactive content originating from the server system synched with the broadcast video program originating from the headend". The addition of Shoff fails to cure the deficiencies of Swix and Grube. As such, claims 11-14 and 22 are patentable over the combination of Swix, Grube, and Shoff.

E. Claim 18

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* in view of Grube, *et al.* and further in view of Shoff, *et al.* and further in view of Official Notice. Applicant respectfully disagrees.

As argued above in Section 2.) A., the combination of Swix and Grube fails to teach, disclose or suggest "the interactive content originating from the server system synched with the broadcast video program originating from the headend". The addition of Shoff and Official Notice fails to cure the deficiencies of Swix and Grube. As such, claim 18 is patentable over the combination of Swix, Grube, Shoff, and Official Notice.

F. Claim 23

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* in view of Grube, *et al.* and further in view of Shoff, *et al.* and further in view of Official Notice and further in view of Lobb, *et al.* (U.S. Patent No. 6,699,127). Applicant respectfully disagrees.

As argued above in Section 2.) D., the combination of Swix, Grube, and Shoff fails to teach, disclose or suggest "the interactive content originating from the server system synched with the broadcast video program originating from the headend". The addition of Official Notice and Lobb fails to cure the deficiencies of Swix, Grube, and Shoff. As such, claim 23 is patentable over the combination of Swix, Grube, Shoff, Official Notice, and Lobb.

G. Claim 24

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* in view of Grube, *et al.* and further in view of Shoff, *et al.* and further in view of Official Notice, further in view of Lobb, *et al.* and further in view of Treyz, *et al.* (U.S. Patent No. 6,526,335). Applicant respectfully disagrees.

As argued above in Section 2.) F., the combination of Swix, Grube, Shoff, Official Notice, and Lobb fails to teach, disclose or suggest "the interactive content originating from the server system synched with the broadcast video program originating from the headend". The addition of Treyz fails to cure the deficiencies of Swix, Grube, Shoff, Official Notice, and Lobb. As such, claim 24 is patentable over the combination of Swix, Grube, Shoff, Official Notice, Lobb, and Treyz.

H. Claims 15, 16, 25 and 26

Claims 15, 16, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swix, *et al.* in view of Grube, *et al.* and further in view of Barton, *et al.* (U.S. Patent No. 6,233,389) and further in view of Official Notice. Applicant respectfully disagrees.

As argued above in Section 2.) A., the combination of Swix and Grube fails to teach, disclose or suggest "the interactive content originating from the server system synched with the broadcast video program originating from the headend". The addition of Barton and Official Notice fails to cure the deficiencies of Swix and Grube. As such, claims 15, 16, 25, and 26 are patentable over the combination of Swix, Grube, Barton, and Official Notice.

3.) New Claim

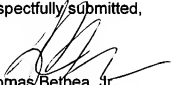
New claim 37 is added by this amendment. Support for this new claim can be found at least at ¶ [0039]-[0040] of Applicant's published Specification. New claim 37 is patentable over the cited art at least because the cited art does not teach, disclose, or suggest "transmitting interactive content combined with the broadcast video program from a server system to plural types of local devices having different hardware platforms over a data communications network".

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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